



**NEWSLETTER OF THE LONDON CHAPTER,
ONTARIO ARCHAEOLOGICAL SOCIETY**

c/o Museum of Ontario Archaeology
1600 Attawandaron Road, London, ON N6G 3M6



November & December 2013

13-7 & 8

February 12th 2015 will be **Member's Night**. We currently have three members lined up to give short but pithy presentations. Anyone else wishing to do a short presentation at Member's Night should contact Chris Ellis as soon as possible.

✦ ✦ **UPCOMING SPEAKERS** ✦ ✦

March 12th's meeting will feature **Dr. Holly Martelle** of Timmins Martelle Heritage Consultants talking about work at the Elgin County Jail.

On April 9th our speaker will be **John Dunlop** of ASI in Toronto and UWO Anthropology (topic to be announced soon).

Speaker's Night is held the 2nd Thursday of each month (January to April and September to December) at the Museum of Ontario Archaeology, 1600 Attawandaron Road, near the corner of Wonderland & Fanshawe Park Road, in the northwest part of the city. The meeting starts at 8:00 pm. Doors open at 7:30 PM and as usual there will be free juice and cookies!

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Grave Reminiscences¹

By William Fox

A recent presentation to Dr. Jocelyn Williams' third year Human Bioarchaeology class at Trent University concerning the legal aspects of unmarked grave investigation provided me with an opportunity to review not only modern Ontario statutes and regulations, but also notes concerning my activities during the 70's and 80's, while employed as a Provincial archaeologist.

While I had considerable experience as a student in First Nations burial investigation, my first experience as a professional occurred in 1973, while employed as Northwestern Ontario Regional Archaeologist with the Ministry of Natural Resources (Fox 2013:7, 13-14). A visit to the "Federal Mound Reserve" on the Rainy River convinced me that something needed to be done to record the burial mounds within the reserve and downstream to the west. Consequently, a contour survey was undertaken and the Ministry was convinced to acquire the private lands to the west, which contained a series of Laurel and Blackduck mounds and associated habitation sites. It occurred to me that it would be appropriate to involve local First Nations in the investigation (survey and mapping) of sites on the new Provincial lands and hence, Anishinabe students from the nearby Manitou Rapids Reserve were hired as crew on the 1974 survey and subsequent projects (Fox 1989:30). A decade later, the entire area (including 15 burial mounds) was declared a National Historic Site, a meeting/interpretive centre was constructed, and the site renamed Kay-Nah-Chi-Wah-Nung was turned over to the local First Nation.

I carried this First Nations experience with me to southwestern Ontario, during my transfer to London in 1976. When a young archaeology student proposed to investigate a red ochre cemetery site near Lake St. Clair, I encouraged him to consult with Dean Jacobs of Walpole Island Unceded Territory, which initiated a long-term positive working relationship between Ron Williamson and Dean. A Walpole Island student was a member of the crew when they went into the field in 1977.

It was not long thereafter that a first experience with the former *Cemeteries Act* was thrust upon me. I received a call from Wilfrid Laurier University about the discovery of human remains in a small community north of town. The Waterloo Regional Police had contacted the university for advice concerning the antiquity of a femur recovered by a young boy playing in a back lot. When I arrived on site, I found a series of overgrown dump truck deposited piles of fill. Subsequent inquiries determined that the fill derived from a local separate school construction site. I continued my investigation in consultation with a local priest, who stated that financial constraints had required construction of the new school on their existing property (church yard), and that a rather unorthodox approach to exhumation and reinterment had been adopted. I pointed out that they had missed at least one of their elderly parishioners (19th century Irish

¹ Reprinted, with minor editing, by permission of Bill Fox from STRATA (Newsletter of the Peterborough Chapter of the Ontario Archaeological Society) 4(1):8-17, 2014.

woman – based on a recovered coffin name plate), and subsequently filed my report with the local coroner, medical officer of health, and police. So far as I am aware, no further action was taken; however, I did hear that the police spent some time searching the boy's room for the femur, which he had hidden in his clothes drawer.

This event was followed later that year by the Grimsby Historic Neutral cemetery salvage excavation involving Dr. Walter Kenyon of the Royal Ontario Museum, who was arrested by local police and fined \$100 under the *Cemeteries Act* (Fox 1988: 61), as a result of charges laid by the Union of Ontario Indians. The Union was joined by Six Nations and the American Indian Movement in protesting this excavation, and the latter remained active in Native burial protests, including one at a 1977 archaeological assessment of the E.C. Row expressway route in Windsor.

As an aside, comic relief was provided during the tense Grimsby confrontation between First Nations and the practice of academic archaeology. There was the little matter of licensing under the new *Ontario Heritage Act*, and consequently, I was assigned responsibility to chauffeur a senior member of the Ontario Heritage Foundation, Archaeology Committee to the site. During the ride, I was informed that there was little sympathy for the perpetrator and that he would be “read the riot act”: Upon the arrival of a government vehicle, the accused retreated rapidly on crutches to his trailer and closed the door, as my passenger strode from the vehicle to the trailer. The minutes passed, without any sign of the volcanic confrontation threatened, until the trailer door finally opened, and the two reappeared – best of friends!

This confrontation was not the first such one in Ontario. Six Nations Longhouse traditionalists had protested the excavation of the Tabor Hill ossuaries in suburban Toronto in 1956 (Churcher and Kenyon 1960). However, Grimsby proved to be the “final straw” for the R.O.M. administration, who subsequently issued a statement that the museum would not conduct any further excavations of Native graves without Native band consultation. Shortly thereafter, the National Museum of Man encountered burials on the Beckstead St. Lawrence Iroquois village, and came into conflict with the St. Regis Reserve Iroquois in 1977. These events galvanized both the government and the heritage community; as the Ministry of Culture and Recreation announced in 1978 that archaeological licenses did not permit Native burial excavation without Native community consultation and the Ontario Archaeological Society and Native Canadian Centre of Toronto co-hosted a Toronto conference during October of 1977 entitled “Unmarked Human Burials in Ontario”. The conference was a success to the extent that all parties were able to air their views and numerous proposals were documented concerning the way forward. These events essentially put a stop to research-oriented Native burial excavations in Ontario and initiated a lengthy dialogue between museums, universities and Native communities concerning the disposition of First Nations human remains held in academic collections.

My next personal experience involved unmarked Native graves on a Glen Meyer village site near Princeton. The Archaeological Conservation Program had just been initiated (Fox 2013:18) and

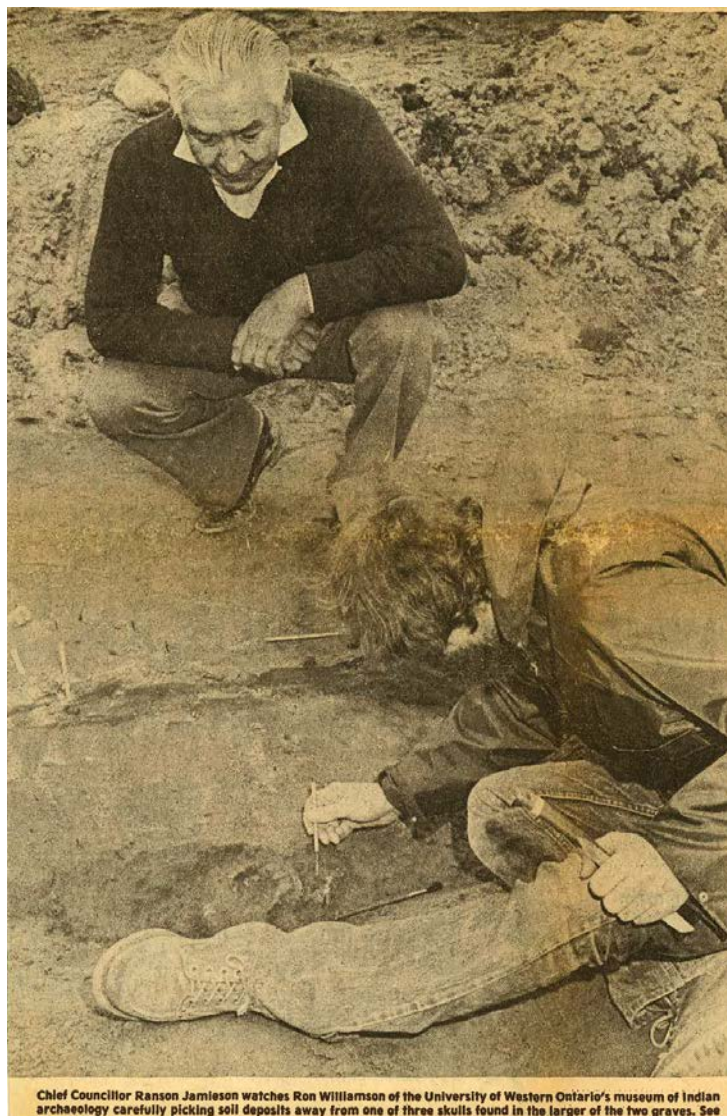


Figure 1: A Youthful Ron Williamson Excavating a Multiple Bundle Burial on the Force Village Site.

Charlie Nixon had been monitoring and surface collecting the Force site for a decade. He noticed signs of impending residential construction and arranged for a salvage excavation in 1978. The area exposed contained the remains of six overlapping thirteenth century (Fox 1980:6) longhouses and two secondary burial pits (Figure 1). The latter were left undisturbed, pending approvals under the *Cemeteries and Coroners Acts*, and from the adjacent Six Nations Band Council Chief for their removal. This occasioned a two week delay in exhumation, which unfortunately resulted in shovel disturbance of one burial by a local looter. While all accidental discoveries of human remains had been subject to police investigation under the *Coroners Act*, due to potential forensic implications, the application of the *Cemeteries Act* to unmarked Native graves was not the norm; and remained so, when *The Act to Revise the Cemeteries Act* died on the floor of the legislature in 1979.

During the early '80's, I continued to work with Ministry head office staff in our attempt to establish a "coherent provincial government policy pertaining to unmarked graves", through the development of inter-Ministerial guidelines. In 1983 and '84, a number of meetings were held with Six Nations and the Council of Chiefs of Ontario to discuss our draft guidelines. At an August 8, 1984 meeting of the London District Council, I spoke to the assembled Chiefs and DIAND representatives concerning a July unmarked grave discovery at the Pinery (Muir Burial). During this meeting, Motion # 7 was "carried" as moved by Chief Tooshkenig and seconded by Chief Shawkence stating "that the Chiefs of Ontario Office and the AFN be requested to lobby intensely to ensure that Native burial grounds are respected through appropriate legislation, and further that Bill Fox be requested to co-ordinate a meeting between the District Chiefs and the appropriate government agencies to draft terms of reference to follow in the event of further discoveries, suggested date for the meeting the third week of September." This led to a January, 1985 meeting of Assistant Deputy Ministers from Culture and Communications, Consumer and Commercial Relations, Health, and the Solicitor General. The ministry's position was that:

1. Our staff should be brought into the investigation of unmarked graves as soon as they were reported.
2. Investigative staff from other agencies should not further disturb uncovered human remains prior to the arrival of an archaeologist.
3. Routine responses to Native burials should be adopted by other agencies –
 - a. Coroner has no concerns.
 - b. Medical Officer of Health provides immediate certification to our staff for the exhumation and transportation of human remains when requested.
4. A communications campaign should be initiated to familiarize provincial agency and municipal staff and private sector developers with these new procedures (Fox 1988:64).

In tandem with bureaucratic initiatives and as the number of reported unmarked graves began to mount (Pfeiffer 1979; Spence 1979, 1982a, 1984a, 1984b), in part due to the Ministry's avocational Archaeological Conservation Program (Fox 1981:5), I began to speak to the issue among academics and police organizations. A talk was presented at the University of Western Ontario in 1980 entitled "Native Burial Excavation in Ontario" and in 1984, I was invited to speak to the Michigan-Ontario Identification Association at their annual meeting in Toronto. This meeting was a gathering of forensic investigators, to whom I described the benefits of an archaeological approach to data gathering at crime scenes; motivated by the experience of receiving human remains in green garbage bags, among other receptacles, from Ontario police forces acting under direction from coroners (including a 3,000 year old red ochre burial recovered from a "crime scene" by flashlight!). I followed up with a presentation on "Unmarked Graves and Archaeology in Ontario" at the 1985 annual provincial Medical Officers of Health meeting, in what turned out to be a successful attempt to elicit their support for our Ministry response to unmarked grave discoveries.

The number of reported unmarked grave discoveries peaked in 1985 (Fox 2000; Kenyon 1986; Molto et al. 1986; Spence 1985a, 1985b, 1985c, 1985d, 1985e, 1992), but continued to demand my attention for the remainder of the decade (Fox 1990:6-7). That same year, we were involved in the first prosecution under Part VI of the *Ontario Heritage Act* (Fox 1985), including investigation of the looted Historic Neutral Misner cemetery, in consultation with the elected chief of Six Nations. Subsequently, a slide illustrated presentation on “The Misner Cemetery Salvage Project” was made to the Six Nations band council in July. Wishing a more inclusive communication of our activities, Chief William Montour arranged for me to speak later that month at the Lower Cayuga Longhouse concerning “Unmarked Graves and Archaeology in Ontario”. While the latter experience was unique and somewhat awkward for all concerned, it seemed to be appreciated by the gathered Longhouse people. In fact, my reception was considerably warmer than that later in the year at the Canadian Association of Physical Anthropologists meeting in Thunder Bay, where I announced in a presentation entitled “Unmarked Graves in Ontario: A Procedural Update” that those involved in research relating to Native remains had an ethical responsibility to consult the Native community. It appeared that those in attendance still stood by their 1978 *Committee on the Disposition of Human Remains* position of refusing Native community demands for the repatriation of remains curated by research institutions.

At this point and at the request of the Haudenosaunee (Iroquois) Longhouse traditionalists, I was participating in the reburial of Native remains from archaeological excavations on Iroquoian sites such as Middleport and Keffer with Elders from Six Nations. This evolving relationship between the Provincial government and First Nations communities was communicated in 1986 with a presentation on “Native Burials and Archaeology” to the Canadian Association of Provincial and Territorial Archaeologists at their annual meeting in Toronto (Fox 1988). During the Society for American Archaeology annual meetings in Toronto the following year, I spoke concerning “The Unmarked Grave Situation in Ontario” to the National Association of State Archaeologists.

The eighties were a time of major transition in the process of unmarked grave investigation; including both location and documentation techniques. When we began, forensic considerations were paramount, and human remains were routinely forwarded to the Chief Coroner’s lab in Toronto by police forces acting under local coroner direction. If the remains were not deemed to be modern, they were generally incinerated. *The Cemeteries Act* R.S.O. 1980 was in effect and managed by the Director of the Cemeteries Branch, Ministry of Consumer and Commercial Relations. Cemetery inspectors used dousing rods to locate unmarked graves in unregistered cemeteries (with limited success!) and dump trucks sped away from construction sites with the remains of unreported burials (including half of “Peg Leg” Brown – Spence 1985). There was no specific consideration given to First Nations burials in this legislation, despite efforts to consult with First Nations and revise the statute.



Figure 2: Monarch Knoll Child, Artist Conception. Drawing by Janie Ravenhurst.

By the end of the decade, the *Cemeteries Act* R.S.O. 1990 had been revised to consider due process following the discovery of “unmarked (often Native) burial sites”. A Registrar had been established, who could “cause an investigation to be made” of unmarked or “irregular” burial sites and was responsible for subsequent arbitration in support of the development of a site disposition agreement. These statutory changes moved the process forward in terms of Native unmarked grave response; however, projects such as the Moatfield ossuary rescue excavation (Williamson and Pfeiffer 2003) in 1997 further challenged “due process”. Subsequent consultation by the Ministry of Citizenship, Culture and Recreation with the First Nations Burial Committee of Toronto resulted in a refinement and clarification of roles during the discovery and disposition of human remains (Carruthers 1999).

The *Cemeteries Act* R.S.O. 1990 was repealed in July, 2012 and has been superseded by the *Funeral, Burial and Cremation Services Act*, 2002. Part XI speaks to “unmarked burial sites” and “investigation into origins of site”; while Ontario Regulation 30/11, pertaining to the new act, states that “If the registrar orders under section 96 of the Act that an investigation be made to determine the origin of a burial site, an archaeologist who holds a professional licence issued under Part VI of the *Ontario Heritage Act* shall conduct the investigation.” We have proceeded a long way forward from 1980 concerning legal due process; however, negotiations continue with First Nations regarding the mechanisms to be employed in consultation, unmarked grave investigative protocols, and site disposition (Martelle 2006).



Figure 3: Accidental Acquaintances in the Stiles Cemetery.

Despite the day to day insanity of unmarked grave investigation during the 1980's, there were moments of revelation, where I was privileged to witness special individuals and events of the past – a child messenger (Fox and Molto 1994; see Figure 2), a powerful shaman (Fox and Molto 1994a), a tortured war party (Molto et al. 1986), a mortuary feast (Fox 1988, Fox and Salzer 1999, Spence 1988) and a wide range of mortuary traditions reflecting the religious beliefs of diverse cultures, both past and present (Fox 1982 and 1985, Spence and Fox 1992, Woodley 1992). During this tumultuous period, critical bioarchaeological analyses were provided by Drs. Pfeiffer (1979, 1987), Molto and Spence, and their students (Cook et al. 1985, Gibbs 1987). Salvage excavation of an unregistered cemetery exposed by residential construction activities could not have been accomplished without the volunteer assistance of faculty and students from the Department of Anthropology, Western University. Although we didn't always "see eye to eye" philosophically, I wish to express my sincere appreciation to Dr. Michael Spence for his unstinting assistance over the years (witness the numerous reports listed below) – a steady and positive influence in the field of investigation.

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THE FIGURA SITE “TORSO BURIAL”

By Michael W. Spence

THE INVESTIGATION

In May, 2008 human skeletal material was discovered in a pit at the Figura site (AgHk-52), a Younger phase village near Arkona in southwestern Ontario. The site was being excavated by a team from Archaeologix Inc., now absorbed into Golder Associates (Golder Associates 2012). The site excavation was directed by Arthur Figura, and overall project direction was by Jim Wilson.

The feature (F302) was in House 1 inside the palisade (Figure 1). The south end of the house was separated by a line of posts from the rest of the interior space, forming a small area that may have been for storage. F302 was a basin-shaped pit in this end space.

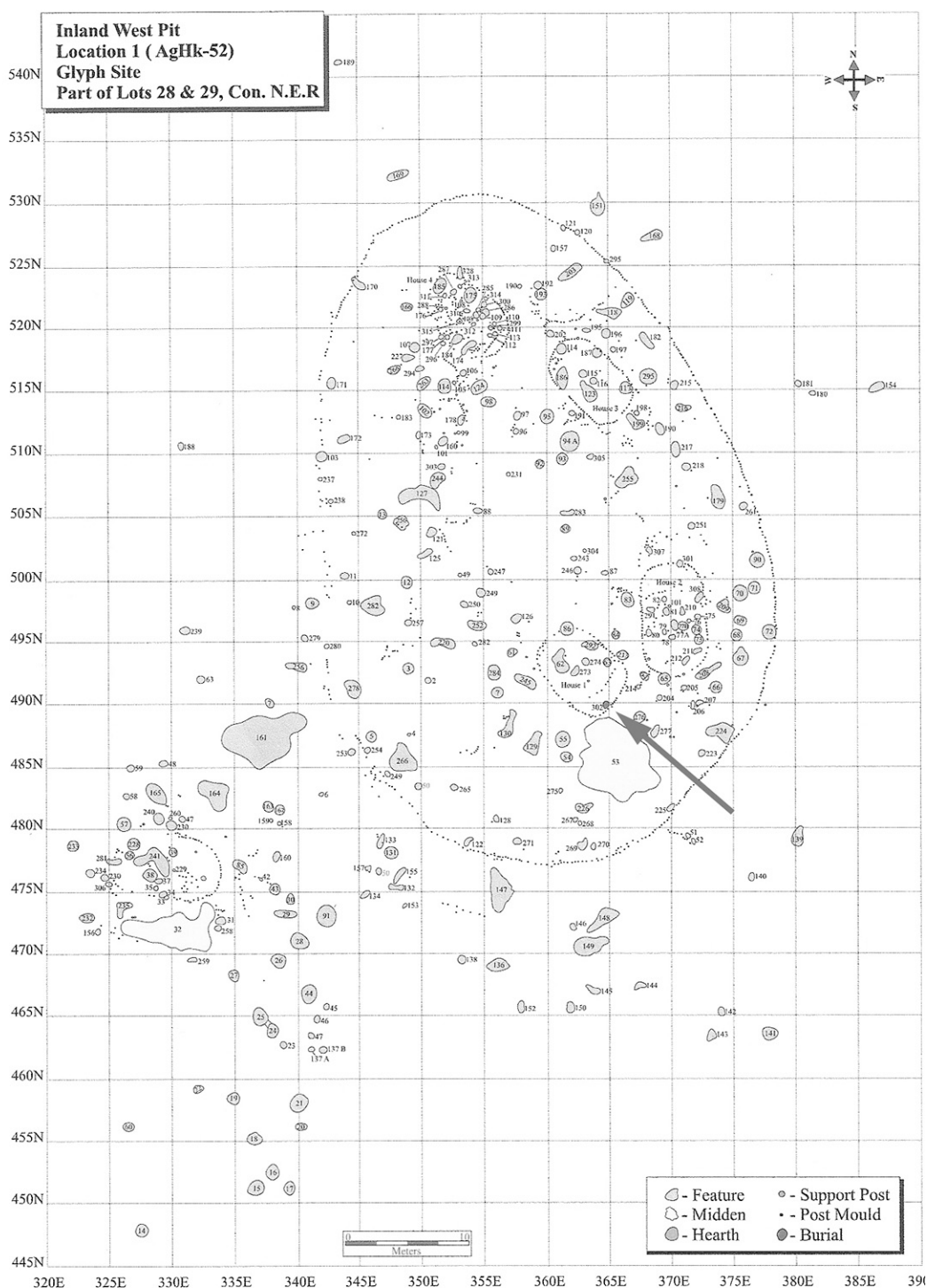


Figure 1 Map of Figura Site Showing (at arrow) Location of Feature #302.

F302 was excavated to the level of the uppermost bones and then cleaned to allow a good view of the assemblage without displacing any bones. I recorded the visible material, after which the bones were covered and the pit backfilled to protect them until an agreement was developed about their final disposition.

In 2011 an agreement was reached with the Chippewas of Kettle and Stony Point First Nation to remove the bones and transfer them to an area where they could be reburied without fear of future disturbance. The excavation was done on August 18, 2011 by Brandy E. George Cultural Research Inc. The excavation team consisted of Brandy George, Luis Machinho, Mike Henry and me. The feature soil was screened to ensure full recovery of the bones. There had been no further disturbance of the feature after it had been backfilled for protection in 2008. The following description draws on both the 2008 and 2011 field observations.

THE CONTENTS OF F302

The human skeletal elements and associated material were all at the same level at the base of the pit (Figure 2). The principal component of the deposit was a segment of lower torso, basically the pelvic girdle: an articulated complex of lumbar vertebrae 3-5, sacrum, coccyx, and both innominates. The segment rested on its back, oriented with the distal part to the south and the proximal part to the north. It was canted slightly to raise the right side, so the body may originally have been either extended on its back or loosely flexed to the left. However, it is possible that both the position and the orientation of the segment had been altered to some degree during the original exhumation of the body.

The left patella was tucked partially under the edge of the left innominate while the right patella rested by the right side of the lumbar vertebrae, its edge just beneath their transverse processes. The left patella was anterior surface up, its distal end pointing south, but the right patella rested with its anterior side down and its distal end to the north.

The body of the hyoid bone was 12 cm to the southwest of the right innominate. A cranial disk (see below) was located 11 cm south of the torso segment. Eight centimetres southeast of the left innominate there was a bifacially worked triangular knife of Kettle Point chert and, beneath it, a fragment of a smaller Levanna point, also of Kettle Point chert. The knife was 57 mm long, 42 mm in maximum width (at the base) and 7 mm thick. The base was straight and the lateral edges showed extensive use and reworking, narrowing the blade above the broad basal section. All of these items, bone and chert, were in their original positions, undisturbed by the 2008 archaeological work. However, some skeletal elements had been displaced in that work, so their original positions are uncertain: the unfused left and right greater alae of the hyoid, four small fragments from two ribs, lumbar vertebrae 1-2, and parts of two thoracic vertebrae. The ribs and vertebrae could have been displaced from the torso either during the original exhumation or in the initial archaeological testing of the feature.

The innominates have no ventral arc, subpubic concavity or preauricular sulcus, indicating that the skeleton is of a male. There is full fusion of the secondary epiphyses of the innominates and vertebrae. The symphysis pubis is in Suchey and Katz (1998) phase IV, with a mean age of 35.2

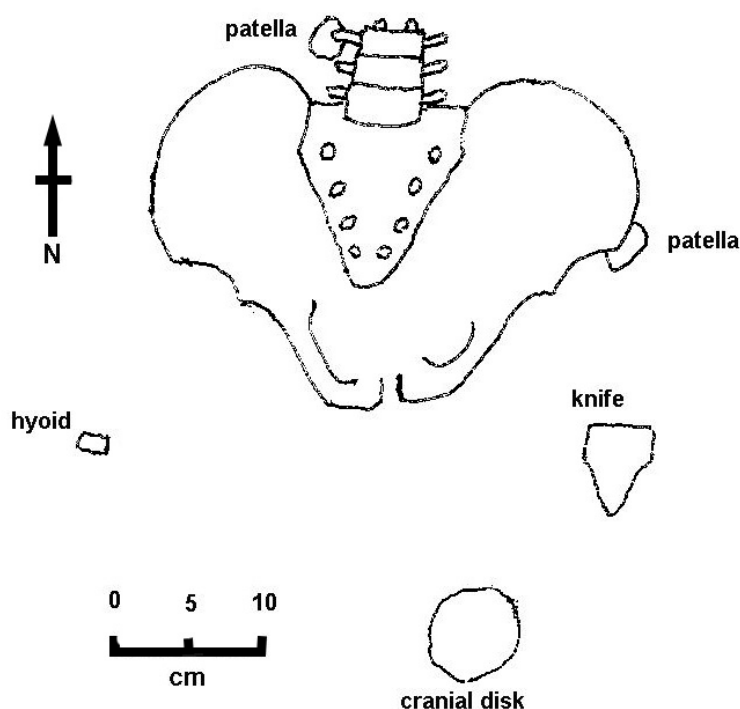


Figure 2: Artifacts and Skeletal Remains in Feature 302.

± 9.4 years. The auricular area of the innominate corresponds to phase 5 of Osborne et al. (2004), assigned an age of 53.1 ± 14.14 years. These somewhat conflicting estimates allow only a broad age range, probably middle age (30-60 years), for the F302 man.

The lumbar vertebrae have considerable body lipping but there is no fusion between them. One thoracic body has a compressed fracture. There is no other evidence of pathology, but a single cutmark is present near the centre of the external surface of the iliac blade of the right innominate. There were no cutmarks on the interior surface, and none on the exterior surface or around the acetabulum of the left innominate. However, conditions prevented observation of the interior left innominate and around the right acetabulum.

THE CRANIAL DISK

The disk had been cut from the apex of a cranium, anterior to lambda. The sagittal suture runs across it. It is roughly triangular, 52 mm anterior-posterior by 57 mm laterally. There are cutmarks across its exterior surface with heavier scoring along the edges. The inner table projects irregularly beyond the cut edges in some places. The disk had been mostly separated from the cranium by cutting with a fine-edge blade and scoring with an implement with a slightly broader cutting edge, but pressure had then been applied to finally break it free, causing the irregular extensions of the inner table. The location of the disk on the cranium and the techniques

used to remove it are the same as those visible on the subadult disks at the nearby Bingo Village site (Spence 2011a).

OTHER HUMAN SKELETAL MATERIAL

The contents of several other Figura site features were examined for human skeletal elements: F1, 5, 9, 12, 21, 23-25, 28, 44, 70, 85-86, 91-92, 94-94A, 100 and 114. Only one human element, first identified by Lindsay Foreman, was found. It is the proximal half of a fetal right humerus, assigned number 228. The piece is only 21 mm long, but the estimated original length is 35-40 mm. This indicates that the fetus was in the latter part of the second trimester, about 22-28 uterine weeks (Scheuer and Black 2000:Tables 9.2-9.3). The humerus was recovered from F44, a pit located some 17 metres southwest of the village palisade and 12 metres southeast of the lone house outside the palisade (Figure 1).

CONCLUSIONS

F302 is what has been termed elsewhere a “torso burial” (Greenman 1937; Speal 2006:9-10). These articulated complexes of torso bones are actually the remains left behind in the primary grave when a burial was exhumed for secondary reburial. Usually the cranium, mandible and long bones were selected for inclusion in the secondary burial but other elements, especially if still attached by soft tissue, might also be removed for reburial. In the case of F302 there was evidently still a considerable amount of soft tissue adhering to the bones at the time of exhumation, maintaining articulation of the lower part of the torso and, apparently, retaining the attachment of the hands and feet to the limbs. The cut on the right innominate probably occurred during the separation of the right leg from the torso. The absence of teeth in F302 also suggests that the alveoli were still intact. However, some decomposition is indicated by the division of the torso at the level of thoracic vertebrae 10-11 (basically, at the bottom of the rib cage) and by the separate location of the hyoid body and cornua.

There had also been some processing of the exhumed body segments. The disk was excised from the cranium and the patellae from the legs. It may be that the chert knife resting near the torso (Figure 2) had been used for these and other tasks during the exhumation, and left the cutmark on the right innominate. Some items found in other Younge phase burials in Ontario may also have been associated with burial processing (Spence 2011a; Spence et al. 2014).

After the exhumation and processing the cranial disk, patellae and knife were put back into the grave with the torso segment, the patellae tucked under its sides. They seem basically to have been discarded. Similar complexes of torso segments, cranial disks and patellae were also found at the Younge site (Greenman 1937:35-36). At the Younge phase Roffelsen site patellae, cranial disks and some other body parts had not been included in the burial (Spence et al. 2014). They had been removed earlier, during the stripping of the soft tissues from the body, and discarded elsewhere. However, the person doing the Roffelsen defleshing was careful not to detach the hands or feet.

In the case of F302 the primary burial and its exhumation and processing for secondary reburial were evidently the concern of the social unit that occupied House 1. The secondary burial of the selected remains must have occurred somewhere beyond the village, and may have involved a larger part of the community. However, the primary burial and exhumation of the F302 man may not have been typical of mortuary events in the Figura community. If we assume 1-2 families for each of the five houses at Figura and a family size of 6 individuals, then Figura would have had a population of 30-60 people. Applying the crude death rate calculated for the Moatfield ossuary (Merrett 2003:177) of 30.6/1000/year, 1-3 deaths would be expected annually at Figura. The precise length of occupation at Figura is not known but it would probably have been several years. A number of deaths would have occurred over that span, but there is no evidence of mortuary events in the village other than the F302 mortuary feature. However, only 20 of the numerous pits in the site have been examined for human skeletal material. Access to the rest is not presently available. When they are examined, more human elements may be found. It is very unlikely that any unexhumed primary burials, “torso burials” or secondary burials would have been overlooked during the excavation but some sorted deposits may yet be identified. These are deposits of bones sorted out and discarded during the processing of primary burials for secondary reburial (Spence 2011b). They may consist of only a few small elements and so go unnoticed during excavation, particularly if the excavator is not familiar with the human skeleton. F302 is a sorted deposit, as well as being the original primary burial feature.

Sorted deposits can be considered mortuary features and can be quite informative. As seen with F302, they show where the processing of the body took place and may allow some inferences about the location of the primary burial and the identity of the social unit involved in the mortuary procedures. The identification of even a few more such features at Figura would provide a better understanding of the social context of mortuary activities, and thus some insight into the structure and integration of the community.

It is not clear whether F44 should be considered a sorted deposit. The presence of one small fetal humerus fragment in a pit with some 800 non-human faunal elements is difficult to interpret. If it represents a miscarriage there may or may not have been mortuary activities associated with it. We thus cannot say what sort of processes led to its final inclusion in F44.

Acknowledgements. I am grateful to Jim Wilson and Brandy George for the opportunity to participate in the excavation, to Van Bree Enterprises for their support of the work, and to Arthur Figura for his help during the initial clearing of F302. I also thank the Burial and Repatriation Committee of the Chippewas of Kettle and Stony Point First Nation for their permission to excavate and examine the bones. Brandy, Luis Machinho and Mike Henry were of great help in the work. Figure 1 is adapted from the Golder Inc. 2012 report.

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BEFORE AND AFTER: A TEST OF THE RELIABILITY OF SURFACE ASSESSMENTS OF MORTUARY FEATURES

By Michael W. Spence

INTRODUCTION

There is a long history of burial investigation in Ontario. Over the years it has become increasingly constrained, particularly as First Nations have made their voices heard and as government bodies have introduced more stringent and formal procedures like the “best practices.” Bill Fox (2014 and this Kewa issue) provides an excellent review of the history of this progression.

At present the discovery of possible human remains triggers a sequence of procedures required by the Coroner’s Act, the Cemeteries Act (Revised) of 1990, and the Funeral, Burial and Cremation Services Act of 2002 (see Carruthers 1999). The discovery must be reported to police and/or a coroner, who will initiate an investigation. That investigation is usually conducted by a forensic anthropologist. There are six individuals in Ontario currently approved to do these investigations. Each of us works with a Forensic Pathology Unit and a Supervising Coroner.

The purpose of this initial investigation, done under the Coroner’s Act, is to determine if the remains are indeed human and, if so, whether they present a situation of forensic concern, that is, whether the individual died recently enough (roughly within the last 50–60 years) to require a full forensic investigation. It is believed that this time span still allows the possibility of identifying the individual and, if criminal actions were involved, of bringing those responsible to justice. However, if the site is declared to not be of forensic concern, authority over the find passes to the Cemeteries Registrar and falls under the Cemeteries Act (Revised) and the Funeral, Burial and Cremation Services Act.

In the course of the initial investigation under the Coroner’s Act, I make an assessment of whether the site is of forensic interest. If it is not, I also try to discover additional information that will aid the Cemeteries Registrar in his or her deliberations, in particular to assess whether the burial is a “pioneer” (i.e. coffin) burial or an ancient First Nations burial. Nevertheless, I cannot prolong the field investigation. My authority over the site ends with my determination that it is not a forensic situation.

The Cemeteries Act (Revised) and the Funeral, Burial and Cremation Services Act set out the requirements for those investigations that are not forensic. These usually require the services of an archaeologist and, ideally, a bioarchaeologist or forensic anthropologist. Over the past several

years a set of informal but generally accepted procedures have developed for the conduct of these investigations. They are not universally followed, but many forensic anthropologists and bioarchaeologists find them a useful guide, helpful in navigating among the often competing concerns and requirement of First Nations, landowners, the Cemeteries Registrar and archaeologists. They are basically designed to gain the maximum amount of information with the minimal amount of disturbance to the remains. The question to be explored here is how adequate they are in producing the information desired by, and allaying the concerns of, each of these “stakeholders.”

The area immediately around the bones is cleared, without encroaching on them, to determine whether they are in disturbed topsoil, a man-made feature like a pit or grave, or some other context. Also, any material that has already been displaced during the discovery of the feature will be examined. The surface of the deposit will then be cleaned, taking care not to displace any bones that are still *in situ*. The uppermost part of the deposit will thus be exposed without causing any deeper disturbance. This is frequently enough to answer the most pressing questions of the various concerned parties. This investigation should be done by a bioarchaeologist or forensic anthropologist, someone with extensive knowledge of the human skeleton and experience with burials.

If the investigation has been initiated by the coroner, this limited exposure should be enough to determine if the site is of forensic concern. It may also be sufficient to obtain the data that will allow the Cemeteries Registrar to evaluate the find. The Registrar will want to know whether the find is an “irregular burial site” (unintentionally deposited human remains), an “unapproved cemetery” or an “unapproved Aboriginal Peoples cemetery.” As part of this, data on the “cultural affiliation of the deceased” and “the style and manner in which the remains are interred” are required (Ministry of Consumer Services 1998; Carruthers 1999).

First Nations, as would be expected, may have a wide variety of responses to such finds, affected in part by their cultural background, present-day social and political concerns, and the degree of threat to the find. A common theme underlying their reactions is the desire to minimize disturbance to the bones. Beyond that, however, some are interested in learning about the deceased individuals, either because they need particular information (like the gender of the deceased) to ensure appropriate rituals, or simply because they want to know more about their ancestors. Some believe that the discovery of ancient bones is not an accident, and that the ancestors have something that they want to communicate to their descendants.

The landowner usually wants just to resolve the matter with a minimum of bother and expense. The archaeologists, on the other hand, want to know everything about the find. However, their role is limited. They can offer advice but, beyond the initial probing, cannot excavate without the agreement of the landowner and whatever First Nation the Cemeteries Registrar has appointed to act on behalf of the deceased.

The question, then, is how much can the initial investigation, limited to surface cleaning of the find, tell us about the nature of the deposit? And how reliable are these observations? I have recently had occasion to test these questions - - two occasions, actually. Working with Jim Wilson and his Archaeologix Inc. crews, I did the initial surface assessments of several features

with human skeletal remains on two archaeological village sites, Tillsonburg Village and Bingo Village. Coroners had already determined that neither site was of forensic concern. Sometime later the landowners the First Nation representatives decided that the burials in the sites should be exhumed and moved to locations where they would be protected from future disturbance. I was asked to do the exhumations, providing an excellent opportunity to evaluate the accuracy of my initial surface assessments.

The information on each feature is summarized in terms of its most basic aspects: the number of individuals, their age and sex, and the nature of the deposit. For the latter, the categories used are primary burial, secondary burial, and sorted deposit (Spence 2011a). Most of the ancient First Nations societies in southern Ontario had a mortuary system that involved a first burial (the primary burial) of a deceased person at or near the time of death, usually to be followed some months or years later by the exhumation and reburial (the secondary burial) of the person. This secondary burial was often multiple, as several individual primary burials were exhumed at the same time and reburied together. However, the secondary burials were rarely complete. Usually there had been some decomposition in the primary burial, so those conducting the exhumation would select only some of the bones for reburial. Others would be overlooked or discarded. This leads us to the third category of mortuary feature, the “sorted deposit.” These features hold those discarded or overlooked bones. They are not, strictly speaking, burials but they are important and informative mortuary features (Spence 2011a). Their location in the village allows some insight into the degree and nature of participation by the community in an individual’s mortuary rituals, and by inference some understanding of the community’s social structure and coherence.

TILLSONBURG VILLAGE

The Tillsonburg Village site (AfHe-38) was a Middle Ontario Iroquoian (AD 1300-1400) settlement on the edge of the modern town of Tillsonburg. It was excavated in 2000-2001 and 2008 by Archaeologix Inc. (now Golder Associates), with Jim Wilson as general director and Arthur Figura as principal field investigator. Nine features in the 2008 work were found to contain human bones. One of these mortuary features was fully excavated by the field crew before they realized that the few scattered bones in it were human. That feature will not be considered further here. In the other eight cases excavation stopped when the presence of human bone was suspected.

In October of 2008 I worked on the site (Spence 2011a). The uppermost part of each feature was cleaned and, if it had not already been done, the feature perimeter was defined. Then, without displacing any of the exposed skeletal elements, the deposit was visually examined to determine as much of its nature as possible. No photos were taken but some rough sketches were made of some of the features. Each was then covered to protect it.

Because of the scale of the proposed development the landowner and the designated First Nation (Six Nations) decided that the bones should be moved to a small cemetery at the edge of the property. I returned to the site in early November to do this (Spence 2011a). With the assistance of Courtney Merner each mortuary feature was exhumed. Again, no photos were taken. A number of observations and measurements were made on the bones before they were set aside for reburial. All bones were identified to element and side. The whole process took nine hours.

The observations made during the work dealt with age and sex identification, oral and skeletal health (caries, abscesses, trauma, major infections like tuberculosis), important morphological characteristics (for example, persisting metopic suture), and postmortem treatment (cutmarks, burning, etc.).

Table 1 presents the “before and after” for each feature. There were no great changes in these respects between the surface assessments and the observations made during the exhumations. A child of 5–7 years was added to Feature 1879 during the exhumation, but was represented only by an unfused proximal humerus epiphysis. Feature 1484B proved to have three adults instead of just one. The sex identification as male of the Feature 1502 teenager could not be confirmed in the more detailed exhumation analysis. Otherwise, there were only some minor refinements in age assignments.

Table 1 – Mortuary Features of Tillsonburg Village.*

surface assessment					exhumation observations			
<u>feature</u>	<u>feature</u>	<u>no. of</u>			<u>feature</u>	<u>no. of</u>		
<u>no.</u>	<u>type</u>	<u>individuals</u>	<u>age</u>	<u>sex</u>	<u>type</u>	<u>individuals</u>	<u>age</u>	<u>sex</u>
1502	1ary	1	teen	M	1ary	1	13-15 yr	nd
1981	sorted	1	teen	nd	sorted	1	13-16 yr	nd
1724	1ary	1	3-4 yr	nd	1ary	1	2-3 yr	nd
1534	1ary	1	3-5 yr	nd	1ary	1	4-6 yr	nd
1227	2ary	2	adults	1M, 1F	2ary	2	adults	1M, 1F
1879	sorted	1	adult	nd	sorted	2	5-7 yr	nd
							adult	nd
1484A	sorted	1	adult	nd	sorted	1	adult	nd
1484B	sorted	1	adult	nd	sorted	3	adults	nd

*1ary = primary burial; 2ary = secondary burial; sorted = sorted deposit

The additional observations made during the exhumations are, of course, of interest to archaeologists and bioarchaeologists. However, they are probably of less interest to the stakeholders. The conclusions of the coroner and the recommendations of the Cemeteries Registrar would not have been affected by any of the additional information obtained during the exhumations. Also, the change of sex assignment in the Feature 1502 person and the increase in the number of individuals in features 1879 and 1484B would probably not have had any impact on the decisions of the First Nations representatives. The interests of the landowner would have remained unchanged.

BINGO VILLAGE

Bingo Village (AgHk-42) was a late Younge phase (AD 900-1200) Western Basin tradition site near the modern town of Arkona in southwestern Ontario. It was excavated by Archaeologix Inc. (now Golder Associates) under the general direction of Jim Wilson with Arthur Figura as field director. Again, when human bones were recognized or even suspected, excavation was stopped and the find protected until the material could be assessed by a bioarchaeologist. In 2007 I did

the initial surface assessment of one multiple secondary burial that was then transferred intact, without further examination, to a nearby cemetery created for ancient burials from the area. It will not be considered further here. On two occasions in August of 2008 I assessed several more features. Three of these consisted of only a few subadult bones which had not been recognized as human, and so had been completely excavated before my arrival. They too are not part of this test. Ten other features were still largely undisturbed (Table 2). Some photos had been taken earlier of the features and I made some scale plans of the deposits. The site area, with very sandy soil, was being continually eroded and deflated by wind and rain. It became clear that the burials would eventually be exposed and lost, so the landowner and the representatives of the First Nation (The Chippewas of Kettle and Stony Point) came to an agreement to move the burials to the new cemetery.

In 2011 I worked with Brandy George of Brandy E. George Cultural Research Inc., Luis Machinho, Mike Henry, Patricia Shawnoo, Bernard George, Jason Henry and Cindy Henry to exhume the deposits. The exhumations were conducted over five days, with a total of 44 hours of field time. Analyses were done as the bones were being exhumed, after which they were set aside for eventual reburial (Spence 2011b). As with the Tillsonburg Village site, the on-site analyses focussed on age and sex identification, health, morphology and postmortem treatment. Each bone was identified by element and side, and for the most part could be assigned to a particular individual. Photos were taken.

The findings of the surface assessments are complete and accurate enough, to judge by the exhumation observations (Table 2), to satisfy the requirements of the coroner in a forensic investigation. They are also good enough for the Cemeteries Registrar to make the necessary determinations. They would probably also allow First Nations representatives to come to a decision on whether or not to remove the burials. It is, however, not clear if they would allow a traditionalist to conduct appropriate rituals. There is, it seems, a range of possibilities for these, and some traditionalists consider information on age and gender relevant for their rituals. At Bingo Village a female was mistakenly identified as a male in the surface assessment of Feature 207 (Table 2); the two adult females of Feature 352 turned out to be one adult female and a child; the single teenager of Feature 590 proved to be two teenagers; and the four individuals of Feature 164 increased to seven with the addition of two children and one perinatal.

Beyond these basic factors a wide range of other observations were made during the exhumations. Some of the burials had grave offerings and feast debris with them, things that were missed in the surface assessments. Several also had cutmarks, indicating that some defleshing and dismemberment were necessary in their preparation for secondary burial. Of particular importance was the discovery, with the more extensive excavation required for the exhumations, that several features also had associated structures indicated by postholes around the pits or, in two cases, paired postholes beside the pits. This additional information, while of great interest to the archaeologists, bioarchaeologists and First Nations people, would probably not have changed the decision to remove the burials or the rituals that accompanied exhumation and reburial.

Table 2 – Mortuary Features of Bingo Village.

surface assessment					exhumation observations			
<u>feature</u> <u>no.</u>	<u>feature</u> <u>type</u>	<u>no. of</u> <u>individuals</u>	<u>age</u>	<u>sex</u>	<u>feature</u> <u>type</u>	<u>no. of</u> <u>individuals</u>	<u>age</u>	<u>sex</u>
145	sorted	1	adult	F	sorted	1	40-75 yr	F
412	sorted	2	infants	nd	sorted	2	0-1 yr	nd
207	1ary	1	young adult	M	1ary	1	1 yr	nd
98	sorted	1	teen	nd	sorted	1	25-30 yr	F
196	sorted	1	adult	M	sorted	1	13-16 yr	nd
218	1ary	1	adult	F	sorted	1	39-67 yr	M
234	sorted	1	adult	F	1ary	1	25-35 yr	F
352	2ary	2	adults	both F	sorted	1	35-60 yr	F
590	sorted	1	teen	nd	2ary	2	6-7 yr	nd
164	2ary	4	1 adult	M	sorted	2	35-60 yr	F
							14-16 yr	nd
							14-22 yr	nd
							30-45 yr	M
							1 teen	M
							15-17 yr	M
							2 children	nd
							11-12.5 yr	nd
							10-11 yr	nd
							7.5-8.5 yr	nd
							3-4 yr	nd
							perinatal	nd

CONCLUSIONS

Any find of human remains initiates a field investigation authorized by a Regional Supervising Coroner. When the remains are skeletal (or burned, buried or decomposed) the investigation will be conducted by a forensic anthropologist. If the find is judged too old to be of forensic concern, authority over it will pass to the Cemeteries Registrar. In cases where the initial assessment for the Coroner did not provide enough information for the Cemeteries Registrar to determine the nature of the find, another assessment can be ordered. This should be carried out by a person with the appropriate expertise, a forensic anthropologist or a bioarchaeologist. The investigation will involve clearing off the uppermost material without displacing any of it, and looking for evidence of a pit, coffin or other feature.

How reliable are these surface assessments, that is, do they provide the data that the principal stakeholders need in order to reach informed decisions about the find and how to proceed? The evidence from Tillsonburg Village and Bingo Village is that they do. Generally, the Cemeteries Registrar will be able to properly characterize the find and assign an appropriate representative to act on behalf of the deceased. The landowner and the deceased's representative, in turn, will have the information that they need to decide on a course of action. First Nation traditionalists

will be able to conduct their rituals, although if the age or gender of the deceased is a relevant factor in those rituals there may be an occasional misstep.

On the other hand, the professional concerns of archaeologists and bioarchaeologists are not well served when investigation ends with the surface assessment. On-site observations during exhumation provide much more information on the burials, allowing a better understanding of the ancient community's social system and mortuary programme. However, archaeologists and bioarchaeologists are only peripherally involved in the decisions on how to deal with the remains. They may advise, not direct. If they hope to do more, it is up to them to convince the other parties of the benefits of an expanded investigation.

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